IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 322 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VIJAYKUMAR VADILAL SHAH SINCE DECEASED THRO HIS HEIRS
Versus
GUJARAT HOUSING BOARD

Appearance:
1. Special Civil Application No. 322 of 1993
MR YN OZA for Petitioner No. 1
MR SAURABH J MEHTA for Petitioner No. 1/1-1/3
MRS KETTY A MEHTA for Respondent No. 1-2
Mr. Pranay Chaubey for MR KM PATEL for Respondent No. 3-8

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 12/04/2002

ORAL JUDGEMENT

Heard the learned advocates for the parties. In this petition, the petitioner has raised grievance about

his seniority on the basis of the deemed date which has been given by the respondent authority but the learned advocate Ms. Ketty Mehta has submitted that actually the petitioner was promoted to the post of Deputy Engineer on 6th September, 1973 and prior to that, direct recruits have been given appointment and their date of appointment has been taken into account while revising the seniority list which was earlier fixed by the Board. She has also clarified that there is no rule of seniority but officiation is considered to be the rule of seniority. In view of these facts as well as considering the fact that the petitioner has expired during the pendency of this petition, according to my opinion, this petition would not survive. Same is, therefore, disposed of as not surviving. Rule is accordingly discharged with no order as to costs with a liberty in favour of the petitioners to move the office for revival of this petition in case of any difficulty.

12.4.2002. (H.K. Rathod,J.)

Vyas